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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/566,734

02/01/2006

Kazuhiko Yamaguchi

06054/LH

9701

1933 7590 12/09/2008

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EXAMINER

GHULAMALI, QUTBUDDIN

ART UNIT

PAPER NUMBER

2611

MAIL DATE

DELIVERY MODE

12/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/566,734	Applicant(s) YAMAGUCHI, KAZUHIKO	
	Examiner Qutbuddin Ghulamali	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/1/06, 2/22/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1, 8 are objected to because of the following informalities:

Claim 1, line 14, after “pulse signal based on” the phrase “a setting” needs to be replaced with -- the amplitude --.

Claim 1, line 16, recites “eye-patterninged”. Does it mean to recite “eye-patterned”?

Claim 1, line 20, after “unit is configured” the phrase “to be” needs to be deleted because it does not lead to positive recitation.

Claim 8, line 21, after “unit is configured” the phrase “to be” needs to be deleted because it does not lead to positive recitation.

Appropriate correction is required.

Allowable Subject Matter

2. Claims 1-15 would be allowable if rewritten to overcome the claim objections, set forth in this Office action.

3. The following is a statement of reasons for the indication of allowable subject matter:

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The prior art of record considered alone or in combination with other claim limitations neither teaches nor renders obvious a pulse pattern generator comprising: a pulse generating unit which generates a pulse signal composed of a step wave varying stepwise at least at the rise or fall of the signal, a low-pass filter which smoothes and outputs the pulse signal generated by the pulse generating unit, an amplitude value setting section which adjusts the amplitude value of the step wave constituting the pulse signal so as to set the shape of the eye waveform when the output from the low-pass filter is eye-patterned according to a preset value, that enables the low-pass filter to output a pulse signal having a desired pulse pattern having a preset, predetermined eye window. Such limitations as recited in the independent claims 1 and 8 are neither anticipated nor rendered obvious by the prior art of record

Claims 2-7, 9-15 are allowed by virtue of their dependency to claims noted above.

Contact Information

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patents:

US Pub. (2005/0267696) to Yamaguchi et al.

USP 5,459,749 to Park.

USP 6,108,105 to Takeuchi et al.

USP 7,433,216 to Romenesko.

5. This application is in condition for allowance except for the following formal matters:

Claim objections as set forth in this office action merits attention to corrections noted above.

Prosecution on the merits is closed in accordance with the practice under ***Ex parte Quayle***, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qutbuddin Ghulamali whose telephone number is (571)-272-3014. The examiner can normally be reached on Monday-Friday, 7:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh M. Fan can be reached on (571) 272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

QG.

November 26, 2008.

/Chieh M Fan/

Supervisory Patent Examiner, Art Unit 2611